

1 STEVEN J. COLOGNE, ESQ. (Bar No. 118534)
 2 MICHAEL R. GIBSON, ESQ. (Bar No. 199272)
 3 HIGGS, FLETCHER & MACK LLP
 4 401 West "A" Street, Suite 2600
 San Diego, CA 92101-7913
 TEL: 619.236.1551
 FAX: 619.696.1410

5 Attorneys for Defendants
 SAN DIEGO UNIFIED SCHOOL DISTRICT and
 6 JAMES GOOD

7

8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10
 11 KAYLA CASHMAN BY AND THROUGH
 HER GUARDIAN AD LITEM,
 12 BERNADETTE HILGEMAN; AND
 13 STEPHEN CASHMAN, AN INDIVIDUAL,

14 Plaintiffs,
 v.

15 SAN DIEGO UNIFIED SCHOOL
 16 DISTRICT; JAMES GOOD,
 17 INDIVIDUALLY, and DOES 1 through 20,

18 Defendants.

19 CASE NO. 08 CV 0519-BEN (POR)

20 **DEFENDANTS' NOTICE OF MOTION
 AND MOTION TO DISMISS
 PURSUANT TO F.R.C.P. 12(b)(1), (6)**

21 **[F.R.C.P. 12(b)(1),(6)]**

22 **DATE:** June 30, 2008
TIME: 10:30 a.m.
COURTROOM: 3
JUDGE: Roger T. Benitez

23 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

24 **PLEASE TAKE NOTICE** that on June 30, 2008, at 10:30 a.m. or as such other
 time as may be directed by the Honorable Roger T. Benitez in Courtroom 3 of the above-entitled
 25 Court, located at 940 Front Street, San Diego, California, Defendants SAN DIEGO UNIFIED
 26 SCHOOL DISTRICT (the "District") and JAMES GOOD ("Mr. Good," and collectively with the
 District, the "Defendants") will and hereby does move the Court for an order pursuant to
 27 Federal Rule of Civil Procedure 12(b)(1) and (6) dismissing the complaint of Plaintiffs
 28 KAYLA CASHMAN ("Ms. Cashman") and STEPHEN CASHMAN ("Mr. Cashman,"

1 and collectively with Ms. Cashman, the "Plaintiffs") complaint for lack of subject matter
2 jurisdiction and failure to state a claim upon which relief may be granted.

3 The motion will be based on this Notice of Motion and Motion, the Memorandum filed
4 herewith, the Request for Judicial Notice and the pleadings and papers filed herein, and such
5 other pleadings, evidence or argument as may be presented to the Court at or prior to the hearing
6 on this matter.

7
8 DATED: May 21, 2008

HIGGS, FLETCHER & MACK LLP

9
10 By: 

11 STEVEN J. COLOGNE, ESQ.
12 MICHAEL R. GIBSON, ESQ.
13 Attorneys for Defendants
14 SAN DIEGO UNIFIED SCHOOL
15 DISTRICT and JAMES GOOD

16
17
18
19
20
21
22
23
24
25
26
27
28